



Holy Cross Services Corporation (Saint Mary's Campus)

#06-121(APCB)

Overview

Amends 326 IAC 6.5-7-13 to correctly identify the permit holder in the rule as Holy Cross Services Corporation (Saint Mary's Campus), not Saint Mary's as currently listed.

Citations Affected

Amends 326 IAC 6.5-7-13.

Affected Persons

Holy Cross Services Corporation (Saint Mary's Campus) in St. Joseph County.

Reason or Reasons for the Rule

This technical amendment to 326 IAC 6.5-7-13 will correct the source identification to Holy Cross Services Corporation (Saint Mary's Campus) the permit holder. In a recent revision to the state implementation plan (SIP) for this source, U.S. EPA identified the source identification as an approveability issue. This rulemaking will resolve that issue.

Economic Impact of the Rule

No economic impact.

Benefits of the Rule

The rule clearly states the legal entity subject to the rule.

Description of the Rulemaking Project

Correctly identify the permittee as Holy Cross Services Corporation (Saint Mary's Campus). This rule, when final and effective, will be submitted to U.S. EPA as a revision to the state implementation plan.

Scheduled Hearings

First Public Hearing: June 7, 2006 at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana.

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- 7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
 - (A) human, plant, animal, or aquatic life; or
 - (B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

The amended rule is consistent with federal laws, rules, guidance.

Rulemaking Process

The first step in the rulemaking process is publication of one of three types of notices in the *Indiana Register*. The first type of notice is a first notice of comment period. The first notice of comment period includes a discussion of issues and opens a first comment period. A second notice is then published which contains the comments and the departments responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The second type of notice is a section 7 notice. A section 7 notice contains a determination by the commissioner under IC 13-14-9-7 that only one comment period is required. It contains the commissioner's determination and findings, the draft rule, a request for written comments and a notice of first meeting/hearing. The third type of notice is a section 8 notice. A section 8 notice contains a

determination by the commissioner under IC 13-14-9-8 that no public comment periods are required. It contains the commissioner's determination and findings, the draft rule and a notice of first meeting/hearing. In each case the Air Pollution Control Board holds the first meeting/hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule is reviewed for form and legality by the Attorney General, signed by the Governor, and becomes effective 30 days after filing with the Secretary of State. This rulemaking was initiated with a section 8 notice.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Patrick Brady, Rule Development Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027 (in Indiana).